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in its corporate capacity and in its capacity as Receiver
for Silicon Valley Bank, Santa Clara, and as Receiver for
Silicon Valley Bridge Bank, N.A.*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

SILICON VALLEY BANK (CAYMAN ISLANDS
BRANCH),¹

Debtor in a Foreign Proceeding.

Chapter 15

Case No: 24-10076 (MG)

***EX PARTE* MOTION TO EXCEED PAGE LIMIT IN CONNECTION WITH THE
OBJECTION OF THE FEDERAL DEPOSIT INSURANCE CORPORATION IN ITS
CORPORATE CAPACITY AND AS RECEIVER FOR SILICON VALLEY BANK,
SANTA CLARA, AND AS RECEIVER FOR SILICON VALLEY BRIDGE BANK, N.A.,
TO THE APPLICATION FOR ORDER TO SHOW CAUSE
WHY PROVISIONAL RELIEF PURSUANT TO
11 U.S.C. §§ 105(a), 1519 AND 1521 SHOULD NOT BE GRANTED**

The Federal Deposit Insurance Corporation, in its corporate capacity (the “FDIC”), and in its capacity as Receiver for Silicon Valley Bank, Santa Clara (“FDIC-R1”), and as Receiver for Silicon Valley Bridge Bank, N.A. (“FDIC-R2” and, collectively with FDIC-R1, the “FDIC-Rs,”

¹ It is respectfully submitted that there is no legal entity called “Silicon Valley Bank (Cayman Islands Branch).” “Silicon Valley Bank” was registered under Part IX of the Cayman Islands Companies Act, with registration number 1963670. The Cayman Islands Branch is a branch of Silicon Valley Bank.

and with the FDIC the “Movants”), by and through their counsel, Dentons US LLP, files this *ex parte* motion (the “Motion”) to exceed the page limit set forth in the Chambers Rules of the Honorable Martin Glenn (the “Chambers Rules”) by 20 pages, for a total of 45 pages (not inclusive of the caption, table of contents, table of authorities, signature pages, or exhibits), with respect to the *Objection of the Federal Deposit Insurance Corporation in its Corporate Capacity and as Receiver for Silicon Valley Bank, Santa Clara, and as Receiver for Silicon Valley Bridge Bank, N.A., to the Application for Order to Show Cause Why Provisional Relief Pursuant to 11 U.S.C. §§ 105(a), 1519, and 1521 Should Not Be Granted* (the “Objection”) and respectfully states as follows:

BACKGROUND

1. Much of the relevant background information is contained in the Objection. The following reflects the procedural status of this matter.
2. On January 18, 2024, the JOLs filed the *Chapter 15 Petition for Recognition of a Foreign Proceeding* [Docket No. 1] (the “Petition”).
3. That same day, the JOLs filed the *Application for Order to Show Cause Why Provisional Relief Pursuant to 11 U.S.C. § 105(a), 1519, and 1521 Should Not Be Granted* [Docket No. 3] (the “Application”).
4. On January 19, 2024, the Court issued the *Order to Show Cause* [Docket No. 6] setting a deadline of January 24, 2024, for the Movants to show cause why the relief sought in the Application should not be granted (the “Objection Deadline”).
5. On January 24, 2024, the JOLs and the Movants submitted the *Notice of Filing (Stipulation and Agreed Proposed Order)* [Docket No. 9], which sought extension of the Objection

Deadline to January 26, 2024, and a similar extension of the JOLs' reply deadline to January 30, 2024. On January 24, 2024, the Court issued the agreed order. [Docket No. 10].

6. The Application is set for hearing on January 31, 2024.

JURISDICTION AND VENUE

7. As is set forth in the Objection, the Movants respectfully contend that the United States Bankruptcy Court for the Southern District of New York (the "Court") does not have jurisdiction to "take any action... to restrain or affect the exercise of powers or functions of [the FDIC and the FDIC-Rs], except as may be requested by the FDIC's board of directors." 12 U.S.C. § 1821(j). However, the Court has jurisdiction to determine the applicability of its Chambers Rules pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the Southern District of New York*, entered February 1, 2012. While the Movants do not submit to the jurisdiction of the Court for the resolution of any matter that is properly the subject of the FDIC and the FDIC-Rs' administrative processes, the Movants confirm their consent to the Court entering a final order in connection with this Motion only to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgment in connection herewith consistent with Article III of the United States Constitution.

8. As set forth in the Objection, venue is improper pursuant to 28 U.S.C. § 1410 and the Movants reserve all rights.

RELIEF REQUESTED

9. By this Motion, the Movants respectfully requests the Court's permission to exceed the twenty-five page limitation set forth in the Chambers Rules by 20 pages, for a total of 45 pages,

excluding the caption, table of contents, table of authorities, signature pages, or exhibits, as set forth in the Proposed Order, attached as **Exhibit A** hereto.

BASIS FOR RELIEF REQUESTED

10. Pursuant to the Chambers Rules, “[e]xcept as permitted by the Court, moving and responsive briefs shall be no more than 25 pages in length.”

11. The Objection addresses extensive and complex legal and factual issues, including detailed analysis of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Pub. L. No. 101-73, 103 Stat. 183, reprinted in 1989 U.S.C.C.A.N. 183 (“**FIRREA**”) and chapter 15 of title 11 of the United States Code (the “**Bankruptcy Code**”). The Objection requires the Movants to address the expedited, unprecedented provisional relief sought by Andrew Childe, Niall Ledwidge and Michael Pearson, in their capacities as the appointed joint official liquidators (collectively, the “**JOLs**”) of the Cayman Islands branch of Silicon Valley Bank.

12. To fully address the impermissible nature of the JOLs’ request for provisional relief, the Objection must analyze nuanced issues of jurisdiction under FIRREA, Chapter 15 of the Bankruptcy Code, other federal law, and international law. Considering the complexity of the facts and arguments presenting in the Objection, the Movants respectfully request the Court’s authorization to exceed the twenty-five page limit set forth in the Chambers Rules.

NOTICE

13. The Movants will provide notice of this Motion to the following parties or their respective counsel: (a) the United States Trustee; (b) the JOLs; and (c) any party that has requested notice pursuant to Federal Rule of Bankruptcy Procedure 2002. The Movants submit that, in light of the nature of the relief requested, no other or further notice need be given.

NO PRIOR REQUEST

14. No previous motion for the relief sought herein has been made to this or any other court.

CONCLUSION

WHEREFORE, for the reasons set forth herein, the Movants respectfully request that the Court enter an order, substantially in the form of the Proposed Order, attached as **Exhibit A**, granting the relief requested herein.

Dated: January 26, 2024
New York, New York

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